

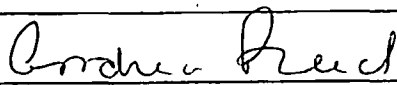


Scan entire folder

Public Service
Co Cherokee
Plant

8ENF-AT-TP

~~8ENF-L~~ Coding Sheet for FRED

Records Owner Name					
Records Schedule	<input checked="" type="checkbox"/> 207a - Disposable (Administrative case files to be kept for 10 yrs. after closure) <input type="checkbox"/> 207b - Disposable (Routine legal actions to be kept 20 yrs after closure) <input type="checkbox"/> 207c(1) - Permanent (Landmark / precedent, non-electronic to be kept forever) <input type="checkbox"/> 207c(2) - Permanent (Landmark / precedent, electronic to be kept forever) <input type="checkbox"/> 207c(3) - Permanent (Landmark / precedent, electronic transferred to National Archive where they will be kept forever)				
File Title (up to 250 characters)	Public Service Company of Colorado				
File Sub-Title (up to 250 characters)					
From Date		To Date		Close Out Date	4/15/04
Document Type	Legal				
Restriction	<input type="checkbox"/> Privileged <input checked="" type="checkbox"/> Releasable				
Medium	<input type="checkbox"/> Paper - Legal sized <input checked="" type="checkbox"/> Paper - Letter sized <input type="checkbox"/> Electronic				
Additional Information (Check if "Yes")	<input type="checkbox"/> CBI <input type="checkbox"/> PII <input type="checkbox"/> Vital Record				
Keywords / Comments	<input type="checkbox"/> Enforcement Confidential <input type="checkbox"/> Attorney-Client Privileged <input type="checkbox"/> Attorney Work Product <input type="checkbox"/> Deliberative Process <input type="checkbox"/> Other:				
Closure Confirmation	<div style="text-align: center;">  Signature <div style="text-align: center;">Andrea Reed</div> Print Name 3/8/17 Date </div>				



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8
999 18TH STREET - SUITE 300
DENVER, CO 80202-2466
Phone 800-227-8917
<http://www.epa.gov/region08>

Ref: 8ENF-AT

APR 15 2004

Richard Montgomery
Environmental Division
Public Service Co. of Colorado
9500 I-76
Henderson, CO 80640

Re: Reporting chemical releases to the
NRC, SERC, LEPC as required under
CERCLA and EPCRA

Dear Mr. Montgomery:

Thank you for taking the time to talk to Evalyn Ladner on March 30th, 2004, about the release of friable asbestos at Public Service Company's Cherokee facility located on Franklin Street in Denver, Colorado. According to the information provided to this office, a February 14th boiler tube leak resulted in a puff (explosion) with a subsequent release of approximately 75 pounds of asbestos. Friable asbestos is designated as a hazardous substance under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) with an established reportable quantity (RQ) of one pound. Any unpermitted release of this material in excess of one pound in any 24-hour period must be reported **immediately to designated authorities**. Based on the facts and circumstances of this event, the release should have been immediately reported to the National Response Center (NRC). However, the National Response Center was not contacted until February 16th. This delay, along with the low reportable quantity of asbestos, is cause for concern and the reason you were contacted.

The purpose of this letter is to reiterate your discussion with Evalyn regarding the importance of timely notification in the event of reportable spills, to assist in clarifying the issues which led to the delay, and to provide advice in reducing future liability during reportable spills and events.

Many chemicals are toxic and can impact human health and the environment. For this reason, there are mandatory requirements for immediate notifications when releases of designated substances occur in unpredictable events. The notification requirements, established by Congress, ensure that environmental agency officials are provided with the opportunity to determine when chemical events may require an expedited response.



Printed on Recycled Paper

Recognizing that many releases do not result in exposures, some events can escalate without adequate response agencies being activated in a timely fashion; response cannot be accomplished without this immediate notification.

In your conversation with Evalyn, you indicated that, initially, it was felt that the asbestos was released to a contained area and did not impact the environment; therefore, it was thought that the incident was not reportable. However, in the internal investigation which followed, you concluded that although it was unlikely that there had been off-site exposure, the surface on which the substance came to rest (a roofed structure enclosed only on three sides) did not fit the guidelines for appropriately designed containment. A delayed report was made at this point.

Be advised that in the future, if you encounter a similar situation which results in a reportable release, you are required to notify **immediately** the following agency:

- National Response Center (NRC) 800-424-8802

If there is any potential for off-site exposure to the released chemical, you must also meet the requirements of section 304 of the Emergency Planning and Community Right-to-Know Act (EPCRA) by immediately notifying designated State and local contacts. For this facility, these contacts are:

- State Emergency Response Commission (SERC) 303-692-3020
Susan Jones-Hard
4300 Cherry Creek Drive South
Denver, CO 80246
(The non-emergency SERC number is 303-692-2977)
- Local Emergency Planning Committee (LEPC) 720-865-7600
Kim Stiegelmeier
Denver LEPC
c/o Office of Emergency Management
1437 Bannock Street
Denver, CO 80202

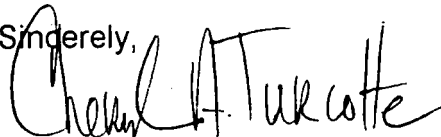
Also, no later than two weeks after an EPCRA reportable event, you **must** provide a written follow-up letter to the LEPC and SERC. The enclosure, *Fact Sheet for EPCRA Section 304*, provides additional information.

This concludes our review of this incident. EPA will not pursue an enforcement action against your company for this release. We appreciate that you did contact the NRC after the release; this fact was considered to be significant in our investigation. You also indicated to Evalyn that this event has led to protracted discussion of

reportable incidents and designated contacts. We strongly recommend that you continue to examine your notification procedures and make the appropriate changes so that in the event of future releases, the notifications are made in accordance with the regulations. Failure to notify as required can result in significant penalties so it is imperative that the company take all necessary steps to ensure prompt compliance.

If you have any questions regarding this letter or compliance issues, please contact me at 303-312-6210.

Sincerely,

A handwritten signature in black ink, appearing to read "Cheryl A. Turcotte". The signature is fluid and cursive, with the first name "Cheryl" being more prominent.

Cheryl A. Turcotte
EPCRA Enforcement Coordinator
Technical Enforcement Program

cc: Steve Mills, Plant Director
PSCo Cherokee Station

Terry Staley, PSCo
Energy Supplement

Enclosure

MEMORANDUM

TO: The File (Public Service Co. of Colorado, Cherokee Station)

FROM: Evalyn Ladner (SEE Investigator)

SUBJECT REPORTING CHEMICAL RELEASES TO
THE NRC, AS REQUIRED UNDER CERCLA

DATE 3/31/04

BACKGROUND:

A routine review of the Emergency Operations Center spill log found that Public Service Co., Cherokee Station (6198 Franklin St, Denver CO), had experienced a release of 75 pounds of asbestos (friable). The incident was attributed to a boiler tube leak, resulting in a "puff" (minor explosion). Occurrence took place on Saturday, February 14, 2004 at 1:00 a.m. local time; the report was made on Monday, February 16, 2004 at 1:00 p.m.

INVESTIGATION:

Telephone Conversation with Richard Montgomery, Environmental Division, on March 30, 2004:

Mr. Montgomery was very cooperative, and seemingly concerned about the reporting delay. At the time of occurrence, personnel did not consider it to be a reportable release; they felt it was confined to the plant and did not enter the environment. The usual process of calling the Environmental Section was not thought to be necessary. In subsequent review, Montgomery differed from the initial opinion. The substance had been released from an area apparently not readily considered open because it is filled with duct work. However, it is not completely closed, and the release settled on an adjacent structure (top of a penthouse section boiler). This structure is roofed and enclosed on three sides; however, the remaining side is open to the environment. After testing (wind velocity, etc.) Montgomery concluded that there was little, if any, likelihood that the substance had migrated off-site. But he did feel certain that the incident was reportable since the asbestos had settled on an inappropriately designed containment area. It was at this point that the report was made.

Steps Taken Since:

Montgomery related that the incident had generated much discussion; there had been a number of meetings consuming an ample amount of time.

The established procedure for any event instructs employees to contact designated

personnel in the Environmental Section, who give 24/7 coverage, and who will make the necessary decisions. The need for adherence to this process was re-emphasized.

Montgomery said a letter from EPA would further emphasize the importance of correct procedure.

The released material was cleaned up by a contractor (CSI) and taken to an industrial landfill.

Action:

A warning letter was sent on April 15, 2004 to reiterate the importance of timely notification, to clarify issues leading to the delay, and to advise in reducing future liability.



fldr-NRC@comdt.uscg
.mil

02/16/04 11:08 AM

To: Joseph Byron/EPR/R8/USEPA/US@EPA, R8SPLRPT@EPA,
aul3@aol.com

cc:
Subject: NRC#713474

3/17 Montgomery out of office
until 3/22
(didn't leave msg - I'll call again
3/30 when I return)

NATIONAL RESPONSE CENTER - FLASH FAX
GOVERNMENT USE ONLYGOVERNMENT USE ONLY***
DO NOT RELEASE this information to the public without
per [redacted] CENTER 1-800-424-8802

*Report taken
Incident Type
Incident Cause
Affected Area
The incident
Affected Media

check w/ ORC
on this
seems releasable
to me
-KG

3474

ON

FEB-04

cal time.

Name:
Organization:
Address:

PUBLIC SERVICE
PRIMARY Phone:
Type of Organization:

sible party.

SUSPECTED RESPONSIBLE PARTY

Name: RICHARD MONTGOMERY
Organization: PUBLIC SERVICE CO OF COLO
Address: 550 15TH STREET
DENVER, CO 80212
PRIMARY Phone: (303)6282829
Type of Organization: PUBLIC UTILITY

INCIDENT LOCATION

6198 FRANKLIN ST County: DENVER
City: DENVER State: CO

RELEASED MATERIAL(S)

CHRIS Code: NCC Official Material Name: NO CHRIS CODE
Also Known As: ASBESTOS
Qty Released: 75 POUND(S) Circla 1 lb.

DESCRIPTION OF INCIDENT

REPORTING MATERIAL RELEASING FROM A #3 BOILER AT CHEROKEE STATION
DUE TO A BOILER PUFF (MINOR EXPLOSION INSIDE THE BOILER).

INCIDENT DETAILS

Building ID:
Type of Fixed Object: OTHER
Power Generating Facility: NO
Generating Capacity:
Type of Fuel:
NPDES:



**fldr-NRC@comdt.uscg
.mil**

02/16/04 11:08 AM

To: Joseph Byron/EPR/R8/USEPA/US@EPA, R8SPLRPT@EPA,
aul3@aol.com

CC:

Subject: NRC#713474

NATIONAL RESPONSE CENTER - FLASH FAX

GOVERNMENT USE ONLYGOVERNMENT USE ONLY***

DO NOT RELEASE this information to the public without
permission from the NATIONAL RESPONSE CENTER 1-800-424-8802

Incident Report # 713474

INCIDENT DESCRIPTION

```
*Report taken by:  CIV THREATT at 13:01 on 16-FEB-04
Incident Type:  FIXED
Incident Cause:  EQUIPMENT FAILURE
Affected Area:
The incident occurred on 14-FEB-04 at 01:00 local time.
Affected Medium:  OTHER    ROOF OF THE STRUCTURE
```

REPORTING PARTY

Name: RICHARD MONTGOMERY
Organization: PUBLIC SERVICE CO OF COLO
Address: 550 15TH STREET
DENVER, CO 80212
PUBLIC SERVICE CO OF COLO called for the responsible party.
PRIMARY Phone: (303)6282829
Type of Organization: PUBLIC UTILITY

SUSPECTED RESPONSIBLE PARTY

Name: RICHARD MONTGOMERY
Organization: PUBLIC SERVICE CO OF COLO
Address: 550 15TH STREET
DENVER, CO 80212
PRIMARY Phone: (303)6282829
Type of Organization: PUBLIC UTILITY

INCIDENT LOCATION

6198 FRANKLIN ST County: DENVER
City: DENVER State: CO

RELEASED MATERIAL(S)

CHRIS Code: NCC Official Material Name: NO CHRIS CODE
Also Known As: ASBESTOS
Qty Released: 75 POUND(S) *Perched 1 lb*

DESCRIPTION OF INCIDENT

REPORTING MATERIAL RELEASING FROM A #3 BOILER AT CHEROKEE STATION
DUE TO A BOILER PUFF (MINOR EXPLOSION INSIDE THE BOILER).

INCIDENT DETAILS

Building ID:
Type of Fixed Object: OTHER
Power Generating Facility: NO
Generating Capacity:
Type of Fuel:
NPDES:

NPDES Compliance: UNKNOWN

DAMAGES

Fire Involved: NO Fire Extinguished: UNKNOWN
INJURIES: Hospitalized: Empl/Crew: Passenger:
FATALITIES: Empl/Crew: Passenger: Occupant:
EVACUATIONS: Who Evacuated: Radius/Area:
Damages:

Closure Type	Description of Closure	Hours Closed	Direction of Closure
Air:	N		
Road:	N		Major N Artery:
Waterway:	N		
Track:	N		

Media Interest: NONE Community Impact due to Material: NO

REMEDIAL ACTIONS

ISOLATED AREA, SECURED OPERATIONS, MATERIAL CONTAINED
Release Secured: NO
Release Rate:
Estimated Release Duration:

WEATHER

Weather: CLEAR, 25°F

ADDITIONAL AGENCIES NOTIFIED

Federal:
State/Local:
State/Local On Scene:
State Agency Number:

NOTIFICATIONS BY NRC

ATSDR CO	
16-FEB-04 13:04	(303)6923023
CO DEPT OF HEALTH AND ENVIRONMENT	
16-FEB-04 13:04	(303)6923023
U.S. EPA VIII	
	(303)2931788
NOAA 1ST CLASS BB RPTS FOR CO	
16-FEB-04 13:04	(206)5266344
HOMELAND SEC COORDINATION CENTER	
16-FEB-04 13:04	(202)2828300
CO OIL & GAS CONSERVATION COMM	
16-FEB-04 13:04	(303)8942100
DOI/OEPC DENVER	
16-FEB-04 13:04	(303)4452500

ADDITIONAL INFORMATION

CALLER WILL NOTIFY LEPC AND OTHER STATE AGENCIES.

*** END INCIDENT REPORT 713474 ***

Report any problems or Fax number changes by calling 1-800-424-8802

PLEASE VISIT OUR WEB SITE AT <http://www.nrc.uscg.mil>

There. - Reason for incident

(Containment Area)
Setting (Bldg)

Emergency plan
noting lines - type
plans to avoid features
incidents

Excel

Commonwealth

Structure
near boiler
not an enclosed
structure

comment -
and it is

3

ast - safety issue

Unit coming off-line

✓
8/1 80-

7. e. ing. e. e.

8. 4.

~ ~ ~ ~ ~

6. 0 () →

Rem. features

Services Dept

at 101 - 8/1 80

Boiler tube leak → boiler out

4 - e

Loaded Top penthouse. Bl. Room boiler
not enclosed

Cleaned up by a contractor
Construct structures
industrial handling CST

Steel
mills
Director
Phillips
Franklin

Montgomery
9500 L-76
Henderson Co
80640
Base
Energy Supplement
4653
Table with data:
80403
1636

There - Reason for incident

(Containment Area)

Setting (bldg)

Emergency plan

Notify Fire - Life
plan to avoid future
incidents

Excl

Environmental

Structure near boiler
outside not an enclosed
structure -
comment on it -

3

ask - safety issue

Unit coming off-line

✓
for sp.

g. l. ing. el.

l. d.

you are

6.6.7.

Services Dept

at 6.6.24

Boiler tube leak - boiler put off -

4-2

landed top penthouse section boiler
not enclosed

Cleaned up by a contractor
Construct structure
industrial landfill CST

Steve
Mills
Plant Director
Cherokee Station
Franklin

Montgomery
9500 L-76
Henderson Co
80640

Mr. Jerry Staley -
Energy Supplement
4653 Lake Vista Dr.
Henderson Co - 80403
1636